THE HON'BLE SRI JUSTICE GODA RAGHURAM

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WRIT PETITION NO : 8497 of 2006

DATED: 26.04.2006

BETWEEN:

T.V.Raghunatha Reddy .. Petitioner

And

The District Collector, Chittoor District and others

..Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

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WRIT PETITION NO :8497 of 2006

ORDER:

The petitioner assails the draft notification issued under Section 4(1) of the Land Acquisition Act, 1894 published in A.P. Gazette No.64 of 2006 dated 14.3.2006 and in the Telugu daily (Andhra Jyothi) dated 22.3.2006 including the notice in Form No.3, dated 29.3.2006 proposing acquisition of an extent of 2160

sq.feet of the land claimed to belong to the petitioner in Meharbaba lay out of Siva Jyothinagar, Tirupathi. The enquiry under Section 5-A of the Land Acquisition Act has not been dispensed with and the petitioner has been issued notice under Section 2(a) Form No.3 calling upon him to submit objections within the specified time. The petitioner assails the acquisition proceedings on the ground that the acquisition is for the purpose of laying a link road from Meharbaba lay out to Siva Jyothinagar, Tirupathi; that the proposed road for which the acquisition is sought to be made is inconsistent with the approved master plan and the zonal developmental plan and that development contrary to the master plan or the zonal developmental is prohibited under the A.P. Urban Areas Development Act, 1975.

The petitioner apprehends that the enquiry under Section 5A of the Act would be an empty formality as no rational consideration would be bestowed to their objections submitted at the enquiry under Section 5 A of the Act. This wholesale condemnation of the Executive is unwarranted. The petitioner's apprehension could be taking care of by issuing appropriate directions to the respondents.

In the circumstances above, the writ petition is disposed of permitting the petitioner to submit written objections within a period of 15 days from the date of receipt of a copy of this order, in response to the notice under form 3 accompanied by any documentary evidence that the petitioner desires to submit for the consideration of the respondents in exercise of the powers under Section 5 A of the Act. The second respondent is directed to consider the objections of the petitioner and record detailed reasons in writing in respect of the each of the objections. A copy of the recommendations of the second respondent eventually sent up to the Government shall be furnished simultaneously to the petitioner to enable him to pursue appropriate remedies, should the petitioner be aggrieved that the second respondent has not accorded judicious and adequate consideration to his objections. The second respondent shall communicate to the petitioner, the decision consequent on the enquiry under Section 5 A of the Act, simultaneously with the recommendations made to the State Government. The communication shall be by registered post with acknowledgment due to the address furnished by the petitioner in the memorandum of objections to be submitted by the petitioner in response to the

form 3 notice issued to him.

With the direction above, the writ petition is disposed of. No costs.

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26-04-2006

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